

000539

REQUEST FOR COUNCIL ACTION
CITY OF SAN DIEGO

1. CERTIFICATE NUMBER
(FOR AUDITOR'S USE ON

TO: **CITY ATTORNEY**

2. FROM (ORIGINATING DEPARTMENT):
POLICE DEPARTMENT

3. DATE:
July 2, 2007

4. SUBJECT:
"Solving Cold Cases With DNA" National Institute of Justice FY07 Grant Proposal

5. PRIMARY CONTACT (NAME, PHONE & MAIL STA.)
Donna Warlick 1-2221 MS 704

6. SECONDARY CONTACT (NAME, PHONE & MAIL STA.)

7. CHECK BOX IF REPORT TO COUNCIL IS ATTACHED ☒

8. COMPLETE FOR ACCOUNTING PURPOSES

FUND			
DEPT.			
ORGANIZATION			
OBJECT ACCOUNT			
JOB ORDER			
C.I.P. NUMBER			
AMOUNT			

9. Additional information / estimated cost:
NIJ has solicited proposals for a program to evaluate the ability of DNA evidence to close "cold" homicide cases. SDPD wishes to apply for, and if selected, to accept and expend a grant for \$374,907, or other amount as determined by NIJ for this program. Funds will be used for one Criminalist; Detective overtime; a consultant; and equipment. There is no requirement for matching funds, nor to continue program operations or expenditures after grant funding has been exhausted.

10. ROUTING AND APPROVALS

ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED	ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED
1	ORIGINATING DEPARTMENT	<i>[Signature]</i>	7/11/07	8	CHIEF OPERATING OFFICER	<i>[Signature]</i>	8/3/07
2	ENVIRONMENTAL ANALYSIS	<i>Allison Shewood</i>	7-17-07	9	ORIGINATING DEPARTMENT	<i>[Signature]</i>	8/13/07
3	EOGP	EXEMPT		10	CITY ATTORNEY	<i>[Signature]</i>	8/16/07
4	LIAISON OFFICE		7/20/07				
5	FINANCIAL MGMT	<i>[Signature]</i>	7/27/07				
6	AUDITOR	<i>[Signature]</i>	08/02/07				
7	DEPUTY CHIEF OPERATING OFFICER	<i>[Signature]</i>	8/4/07				
				DOCKET COORD: <i>[Signature]</i> COUNCIL LIAISON: <i>[Signature]</i>			
				COUNCIL PRESIDENT <input type="checkbox"/> SPOB <input type="checkbox"/> CONSENT <input checked="" type="checkbox"/> ADOPTION <input type="checkbox"/>			
				REFER TO: <i>[Signature]</i> COUNCIL DATE: 10/9/07			

11. PREPARATION OF: ☒ RESOLUTION(S) ☐ ORDINANCE(S) ☐ AGREEMENT(S) ☐ DEED(S)

- Authorize the Mayor or his representative to apply for, accept and expend the grant proposal.
- Authorize the Auditor and Comptroller to accept, appropriate and expend \$374,907 in grant funds, when the grant is officially authorized by USDOJ/NIJ.
- Authorize the Chief of Police to administer and operate this program.

11A. STAFF RECOMMENDATIONS:

AUTHORIZE THE ACTIONS IN BOX 11.

12. SPECIAL CONDITIONS:

COUNCIL DISTRICT(S): ALL

COMMUNITY AREA(S): ALL

ENVIRONMENTAL IMPACT: This activity is not a "project" and therefore is exempt from CEQA pursuant to the state guidelines section 15060 (c) (2).

HOUSING IMPACT: NONE

OTHER ISSUES: PLEASE SEND A COPY OF THE FINALIZED RESOLUTION TO DONNA WARLICK, MS 704A

EXECUTIVE SUMMARY SHEET
CITY OF SAN DIEGO

DATE ISSUED: July 2, 2007 REPORT NO:
ATTENTION: CITY COUNCIL
ORIGINATING DEPARTMENT: POLICE DEPARTMENT
SUBJECT: "SOLVING COLD CASES WITH DNA" NATIONAL
INSTITUTE OF JUSTICE FY07 GRANT PROPOSAL
COUNCIL DISTRICT(S): ALL
CONTACT/PHONE NUMBER: DONNA J. WARLICK 531-2221

REQUESTED ACTION:

1. Authorize the Mayor or his representative to apply for, accept and expend the grant proposal.
2. Authorize the Auditor and Comptroller to accept, appropriate and expend \$374,907 in grant funds, when the grant is officially authorized by USDOJ/NIJ.
3. Authorize the Chief of Police to administer and operate this program.

STAFF RECOMMENDATION: Authorize the requested actions.

EXECUTIVE SUMMARY: The U.S. Department of Justice (DOJ), National Institute of Justice (NIJ), has solicited proposals to evaluate the effect of DNA evidence on previously investigated but unsolved (cold case) homicides. SDPD staff have prepared a proposal to research, identify, review, and prioritize cold case homicides in City of San Diego cases where biological evidence exists that might assist in solving the cold case through DNA analysis. The project will utilize expert consultant and in-house staff to identify, retrieve and evaluate biological evidence from these cases, followed by DNA analysis and submission of potentially probative profiles to CODIS.

The partners in this project are the San Diego Police Department (SDPD) Cold Case Homicide Team, which consists of investigators from local city, county and federal agencies; the SDPD Forensic Science Section; and the San Diego County Medical Examiner. The proposal draws on significant in-kind contributions from partner agencies that are committed to its success and are not seeking funding for their roles. Limited funding will be used for follow up investigative purposes that fall within the scope of this solicitation.

It is anticipated that this project will result in full review of approximately 60 cases; identification of 25-50 potentially solvable cases; and resolution of approximately 12 cases.

The proposal requests \$374,907, which will fund an SDPD consultant, overtime for Homicide Detectives and Criminalists, as well as equipment necessary to carry out the project.

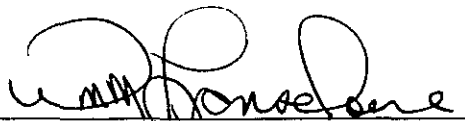
FISCAL CONSIDERATIONS: There is no requirement for matching funds, nor to continue grant program operations or expenditures after grant funding is exhausted.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: NA

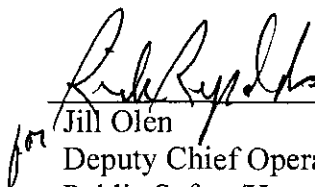
COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: NA

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KEY STAKEHOLDERS AND PROJECTED IMPACTS: Stakeholder Consultant will be selected by competitive bid if SDPD is selected by NIJ for funding.



William M. Lansdowne
Chief of Police
Originating Department


for

Jill Olen
Deputy Chief Operating Officer
Public Safety/Homeland Security

RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

WHEREAS, the U.S. Department of Justice (DOJ), National Institute of Justice (NIJ), has solicited proposals for programs to expand the use of DNA evidence to research, identify, review and prioritize previously investigated but unsolved (Cold Case) homicides; and

WHEREAS, City of San Diego Police Department wishes to apply for, accept and expend grant funds for the proposed program under this solicitation; NOW THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that the Chief of Police be, and is hereby authorized and empowered, for and on behalf of the City of San Diego, to submit an application for, accept, expend and manage the grant funds and program for the purposes stated in the attached application.

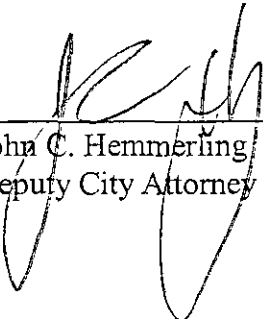
BE IT FURTHER RESOLVED that this authority includes the execution of all aspects of fund and program operation, including any amendments, extensions, augmentations, or renewals from the U.S. Department of Justice for identical or closely related purposes; and to certify that the City will comply with all applicable statutory or regulatory requirements.

BE IT FURTHER RESOLVED that this authorization shall be valid for a period of up to five years, provided funding for this purpose is made available by the U.S. Department of Justice.

BE IT FURTHER RESOLVED that any resources received hereunder shall be used to supplement and not to supplant expenditures controlled by this body.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By



John C. Hemmerling
Deputy City Attorney

DJW

08/21/07

Or.Dept:Police

R-2008-152

Aud.Cert:

R-0

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of _____.

ELIZABETH S. MALAND
City Clerk

By _____
Deputy City Clerk

Approved: _____
(date)

JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

000545



NIJ FY07 Solving Cold Cases With DNA

San Diego Police Department

Grant Application No. 2007-NIJ-1601



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	B. Curriculum Vitae – Richard H. Walton
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NIJ FY07 Solving Cold Cases With DNA**San Diego Police Department****Grant Application No 2007-NIJ-1601****ABSTRACT**

This is a proposal to research, identify, review, and prioritize previously investigated but unsolved (cold case) homicides in City of San Diego cases where biological evidence exists that might assist in solving the cold case through DNA analysis. The project will utilize expert consultant and in-house staff to identify, retrieve and evaluate biological evidence from these cases, followed by DNA analysis and submission of potentially probative profiles to CODIS.

The partners in this project are the San Diego Police Department (SDPD) Cold Case Homicide Team, which consists of investigators from local city, county and federal agencies; the SDPD Forensic Science Section; and the San Diego County Medical Examiner. The s proposal draws on significant in-kind contributions from partner agencies that are committed to its success and are not seeking funding for their roles. Limited funding will be used for follow up investigative purposes that fall within the scope of this solicitation.

The proposal combines investigative resources with forensic DNA science in solving unsolved violent crimes. It aims to assure that there is no gap in the continuum of investigation, case analysis, scientific examination of evidence, investigation, and prosecution. In that sense, it meets the spirit of the grant solicitation for a comprehensive approach to the task.

It is anticipated that this project will result in full review of approximately 60 cases; identification of 25-50 potentially solvable cases; and resolution of approximately 12 cases.

The proposal requests \$374,907, which will fund an SDPD consultant, overtime for Homicide Detectives and Criminalists, as well as equipment necessary to carry out the project.

SOLVING COLD CASES WITH DNA**San Diego Police Department****NIJ FY07 Grant Application No2007-NIJ-1601****I. Background**

This proposal was prepared and submitted by the San Diego Police Department (SDPD) Cold Case Homicide Team, with the support and participation of the SDPD Forensic Science Section and the San Diego County Medical Examiner. The SDPD Cold Case Team is a multi-agency team comprised of three senior SDPD homicide detectives; Special Agents from the Federal Bureau of Investigation, the Drug Enforcement Administration, and the Naval Criminal Investigative Service; and a cold-case investigator of the Office of the District Attorney, who is also a retired SDPD homicide detective.

The SDPD Cold Case Team was created in 1995. It was one of the first such teams, and is considered a national model. It is a full-time unit that is not obligated to additional responsibilities. Since its inception, 367 cases have been subjected to varying informal review processes. As a result of these reviews, 85 investigations have been cancelled or approximately 23% of the archived cases. "Canceling" a case occurs three ways, either by arrest, or because the allegation was determined to be unfounded, or "By Exceptional Means." "Canceled By Exceptional Means" encompasses a variety of circumstances. For example, a suspect might be known but has died, fled to another country where extradition does not apply, or is serving a life sentence without possibility of parole, so a financial decision is made not to pursue prosecution.

The success to date enjoyed by SDPD Cold Case Team is due to a consistent but informal review process and excellent working relationships among the SDPD Homicide and Forensic Science Sections, both on-site facility, and the office of the District Attorney Cold Case Team.

Central to this proposal is the proven efficacy of current forensic science to solve violent crimes that would otherwise remain unsolved. The Combined DNA Index System (CODIS) became operational in 1998, and through 2005 has obtained 7,005 Forensic Index hits, and 21,314 Convicted Offender hits.

However, in San Diego, personnel and time constraints, along with heavy caseloads, have limited our ability to accomplish more. Given the already proven success of the SDPD Cold Case Team and Forensic Science Section, we believe we can provide NIJ with a very successful outcome if given this opportunity to implement more formalized investigative review and DNA analysis procedures. This grant will augment the 120 cases already identified under the backlog reduction program grant. The strategy for communicating the results of these efforts in individual areas cited below will be provided at the end of every section.

II. Project Goals: The goals of this project are ambitious and specific. Within the grant period:

1. The San Diego Police Department will hire a consultant with an established background in Cold Case investigations and DNA analysis.
2. The Crime Lab will acquire and complete the necessary installation and performance verification studies to begin its use in casework.
3. The San Diego Police Department will identify cold homicide cases under its jurisdiction that could potentially be resolved by analysis of forensic evidence, develop plans for analysis of this evidence in cooperation with the Laboratory's scientific team, and subsequently prioritize investigative efforts towards solving these cases.

III. Anticipated Outcomes: With the defined project goals, there will be a significant increase in the number of San Diego Police Department cold homicide cases examined by the Laboratory. SDPD presently has 992 unsolved homicide cold cases. Over the past 12 years, we have examined approximately 350 with our regular staff. Even many of these would benefit from re-examination with advances in forensic technology and the augmented staff and capabilities provided by this grant. We anticipate that the consultant will review two cases per day, full time, for an 18 month period. Approximately 60 cases will receive a complete analysis. Previous experience indicates leads us to believe that approximately 25–50 of these are potentially solvable, and that we will actually solve approximately 12 cases.

IV. Implementation Plan and Objectives

- **Case Review, Selection, and Organization** -- The expert consultant, with the assistance and cooperation of the Cold Case Team, will review, select and organize all City of San Diego unsolved homicide cases, review them for solvability, and prioritize them for further investigation. The first step to identifying unsolved cases is to conduct an inventory, review case files, and document cases by entering them into a database that allows sort and search capability. The Cold Case Team proposes a detailed case review process that will be conducted jointly with a criminalist and a seasoned detective not previously assigned to the original investigation. The Team has a number of established practices for case evaluation.

Investigators have found that certain specific types of cases generally have a greater solvability factor -- cases where physical evidence exists that can be re-evaluated using advanced technology, and cases where there has been a shift in personal relationships of individuals associated (known or unknown) with a particular crime. Another variable in case prioritization is the time factor; within the potentially solvable cases, the team will begin with the most recent and work back in time.

- **Reports and Documents** -- The Cold Case Team prioritizes all unsolved investigations by an initial preliminary review based on homicide category in the following order: 1) sex related; 2) stabbings; 3) beatings and strangulations; 4) shootings; and 5) closed cases. Cases closed by arrest are followed up on and documentation sought regarding whether the suspect was convicted. Once cases are prioritized, the initial, detailed review process is initiated as follows: 1) Read all case files and reports; 2) Listen to/view all audio and videotapes, and make working copies of each; 3) Determine whether to interview the original

detectives, and/or to recover and review notes, case files, photos, and other memorabilia from the cases; 4) Determine whether to contact the victim's family and associates; 5) Attempt to identify known and previously unknown witnesses; 6) Review all previous analysis/testing summaries; 7) Initiate physical examination/re-processing of evidence amenable to DNA testing/re-dusting, and/or re-submission of fingerprints (including re-screening of clothes). If the determination is made to pursue the investigation further, a formatted written synopsis is prepared, all case information will be entered into a case management system, and an investigation initiated as appropriate. If CODIS identifies an unknown suspect, preparation of a JOHN DOE Warrant will be evaluated.

- ***Evidence Review*** -- The role of DNA technology advances in solving cold cases is well established. Individual cases are prioritized based upon their potential to be solved through the use of forensic science evidence. Experience has shown that there can be items of evidence that have never before been examined for their scientific evidentiary value. Hair(s) may be present that have been compared microscopically but have not been subjected to DNA analysis, or DNA analysis may have been performed in the past using techniques unsuitable for CODIS entry. As such, evidence will be reviewed jointly by a criminalist and an experienced detective not previously assigned to the investigation. Performance measures to be reported will include the quantity of evidence/fingerprints re-submitted for further analysis.

V. Cold Case Backlog

Currently the San Diego Police Department has approximately 992 unsolved homicides. The Cold Case Homicide Team is proactive and skilled, with an overall cancellation rate averaging approximately 8 cases per year, many times with the help of DNA. The backlog remains significant because the process to effectively re-evaluate a case file following the aforementioned is extremely time consuming.

The Forensic Biology Section and the Cold Case homicide team have previously dedicated resources to the evaluation of unsolved homicide cases that might benefit from DNA analysis. These efforts have in some cases yielded remarkable results. One example is the 1986 gang rape/homicide of a woman in the company of two men walking in a deserted area of Balboa Park. The three of them were confronted by several young men who tied up the two male victims. The female victim was then taken to a secluded area of the park, where she is gang raped and then strangled to death. The case remained unsolved for twenty years, until a 2006 criminalist's review suggested that the case should be prioritized for DNA analysis. Subsequent testing of the sexual evidence in the cases, consisting of a sexual assault kit and clothing, allowed the development of two male profiles. A search of these profiles in CODIS resulted in the identification of one perpetrator, and the subsequent collection of a reference standard from a known accomplice connected the second perpetrator. Both suspects have recently been charged in the homicide, and the case will proceed to trial in the summer of 2007.

A second example of the value of revisiting cold cases at the SDPD is the DNA analysis of a 1988 stabbing homicide of a woman in her apartment. A criminalist's review of the homicide file suggested that there was significant blood present at the scene that seemed to be inconsistent with the dead female victim. DNA analysis of blood found near a bathroom sink

and semen from a sexual assault kit resulted in a single unknown male profile. This profile was submitted to CODIS, and matched a series of unsolved sexual assaults in Daytona, Florida. A physical description and make of car were available for the Florida rapes. Subsequently, a Daytona patrol unit pulled over a van fitting the suspect description. A marijuana cigarette that the driver had been smoking was impounded. The driver was cited and released. Due to DNA typing resource issues in Florida, the cigarette was flown to San Diego where our analysis revealed that the DNA profile was a perfect match to our 1988 homicide and the rape series in Florida. The suspect was arrested, charged, convicted, and sentenced to life in prison.

Unfortunately, due to a limitation in resources, the Cold Case Homicide Team and the Forensic Biology Section have only been able to review the most obvious cases needing DNA testing. A more thorough review of the unsolved homicide cases with subsequent DNA testing would without question lead to additional cases being solved.

VI. Case Triage

The San Diego Police Department's Forensic/Crime Laboratory is an ASCLD-LAB accredited full-service forensic science facility. The Forensic Biology Section currently employs 12 full-time forensic scientists, whose duties include screening evidence for biological materials, conducting presumptive tests for body fluid identification, and DNA analysis. Over the next 12 months this staff, supported through California convicted offender database legislation and local support, will expand to 16 criminalists.

In 2005, the Forensic Biology Section assigned two criminalists, Brian Burritt and Dave Cornacchia, to work part-time on cold homicide cases. One of the major goals of the Cold Homicide Team is to evaluate and screen cases for evidence of potential value. This evaluation and screening begins with the criminalist meeting with homicide investigators to review the specifics of the case. The criminalist is provided copies of crime scene photos, crime scene narratives and sketches, autopsy reports, any previous forensic lab reports, and an evidence list. This material is reviewed to identify specific items of evidence that have the greatest potential to lead to the perpetrator of the crime.

Individual cases are prioritized based upon their potential to be solved through the use of forensic science evidence. Criminalists involved in cold case homicide investigations are trained not only to search for and identify biological material, but are also proficient in searching for and collecting trace evidence, including fibers, paint, glass, and other physical items that lend themselves to chemical examination.

VII. Caseload Overload and SDPD Response

The Crime Laboratory has previously requested grant funding under the Casework Backlog Reduction program of the President's Initiative on DNA. Over a three-year period, this funding has resulted in the review of approximately 120 unsolved homicides and the DNA evidence associated with these crimes. Additionally, in 2006 the San Diego Police Department Cold Case Team completed a review of unsolved homicides for the City of San Diego. This review documented 992 cases. The purpose of this effort was to systematically identify and document each of the cases, as this had not been done before. At that time, a basic evaluation was conducted, documented and the results are presently being entered into a ViCAP compatible database for historical documentation and cross-referencing purposes. This effort was necessary because many of these cases predated the existence of computerized record-keeping and evidence custody systems. However, these case files were not evaluated for potential DNA evidentiary value, a process that, if done well, is extremely time consuming and requires special expertise. Assistance in identifying additional cases that have potential to be solved through DNA analysis is the goal of this solicitation.

With 992 unsolved homicide cases, the Cold Case Team and Forensic Science Section are badly in need of additional resources if we are to have a significant impact on this backlog. The Laboratory's expected outcome for this backlog reduction program grant is the ability, over and above our present capacity, to review approximately 2 cases per day, and to analyze a minimum of 60 additional cases during the 18-month grant period. The following points outline some of the outstanding resource issues:

- Before cases can be brought into the Laboratory for analysis, they need to be evaluated by qualified investigative personnel who are capable of critically interpreting case

reports, identifying and cataloging evidence, and making informed decisions about the value of the evidence in potential prosecutions.

- DNA testing in homicide cases involves an enormous commitment in resources, first in identifying the perpetrator responsible for the crime, and then in preparing the case for legal proceedings. No other category of unsolved crime creates a larger drain on limited laboratory resources.
- Once cases are processed in the crime laboratory, a follow-up investigation on any new leads must be conducted. Additional evidence must be examined, witnesses contacted, and suspects interviewed. This type of follow-up, particularly on cold cases, requires a significant amount of investigator time.

VIII. Comprehensive Team Approach

The ability to solve unsolved homicides requires additional forensic science resources to screen and triage cases, to conduct scientific analysis, and to work on new leads in the cases. Hope for solving these cases is enhanced by the availability of the tools of science. To maximize our scientific capabilities, additional laboratory and investigative resources are required.

IX. Performance Measures to be documented and reported will be:

1. Total number of homicide cold cases reviewed for the presence of biological evidence.
2. Number of homicide cold cases DNA profiles generated and entered into CODIS of cases issued.

X. Data to be Provided:

1. Number of cold case homicides reviewed.
2. Number of cold case homicides reviewed in which biological evidence exists.
3. Number of cold case homicides subjected to DNA analysis.
4. Number of cold case homicides that yield DNA profiles.
5. Number of DNA profiles entered into CODIS.
6. Number of CODIS hits.

XI. Timeline:

Months 1-3: Complete NIJ and City administrative requirements (i.e., signatures, special conditions, City Council approval process, etc.)

Conduct sole source or open bidding for consultant; negotiate and finalize contract with consultant.

Months 4-18: Review, select, organize, document, prioritize, and analyze cases for follow-up; conduct DNA evaluations; refer for investigation and adjudication, as appropriate; close cases by other means as appropriate.

XII. Review of Relevant Literature

In addition to the training and experience of the listed participants, the following literature was reviewed during the course of this application process:

- Abrahamson, S. (2002). Using DNA to solve cold cases. Commission Report NCJ 194197. National Institute of Justice. Washington, D.C.
- Adams, M. Cold case squads: "Partnering with volunteers to solve old homicide cases." (July 2002). *Subject to Debate*. Police Executive Research Forum. Washington, D.C.
- Eliopoulos, L. (2003). Death Investigator's Handbook: Expanded and updated edition. Paladin Press. Boulder, CO.
- Ellis, K. (2004). "Kansas city cold case squad solves string of murders." *Police Executive Research Forum*. 18: 1,7.
- Geberth, V.J. Practical Homicide Investigation: Tactics, procedures and forensic techniques. (4th ed). CRC Press. New York.
- Lord, V. (2005). "Implementing a cold case homicide unit." *Law Enforcement Bulletin*, 74: 2. Federal Bureau of Investigation. Washington, D.C. 1-6.
- Regini, C.L. (1997). "The cold case concept." *Law enforcement bulletin*. Federal Bureau of Investigation. Washington, D.C.
- Spraggs, D. (2003). "How to open a cold case." *Policemag.com*: 29-31.
- Turner, R. and R. Kosa. (2003). "Cold case squads: Leaving no stone unturned." *Bureau of Justice Assistance*. U.S. Department of Justice. Washington, D.C.: 2-7.
- Walton, R. (2006). Cold case homicides: Practical investigative techniques. CRC Press. New York.

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- Walton, R. H. (2005). Identification of solvability factors in twenty-first century cold case homicide investigation. Unpublished Ed.D dissertation. University of San Francisco. San Francisco, CA.

000561

XIII. Budget

BUDGET CATEGORY/EXPENSE	<u>Cost</u>
PERSONNEL	
San Diego Police Department, overtime expenses for homicide detectives (\$55.25/hour time and a half, salary only), 540 hours (30 hours monthly x 18)	\$29,835.
San Diego Police Department, overtime expenses for Criminalist II (time and a half salary only), 540 hours (30 hours monthly x 18)	\$35,263.
EQUIPMENT	
Model 3130 Applied Biosystem's Capillary Electrophoresis Instrument	95,000
Model 7500 Applied Biosystem's Realtime PCR Instrument	42,000
Model CAS 1200 Corbett Robotic Instrument	34,000
Model 6500 Shear Tech Paginating Device	2,400
Computers (4) for criminalists	6,000
Miscellaneous Computer Accessories for Network Growth/Upgrades	4,000
Nikon Microscope	7,000
Pipets Sets (4 sets of four pipets)	4,500
CONSULTANTS/CONTRACTS	
San Diego Police Department consultant (40 hours weekly x 18 months)	\$114,909
TOTAL PROJECT COST	\$374,907

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XV. APPENDICES

A. Curriculum Vitae – Michael J. Grubb,

San Diego Police Department Crime Laboratory Director

B. Curriculum Vitae – Richard H. Walton. Ed.D, Consultant

C. List of Key Project Personnel

Appendix A

**NIJ FY07 Solving Cold Cases With DNA
San Diego Police Department
Grant Application No2007-NIJ-1601
(SL No. 000789)**

Michael J. Grubb – Curriculum Vitae

EDUCATION

Bachelor of Science degree in Criminalistics/Forensic Science, School of Criminology,
University of California at Berkeley, 1975.

Graduate study in Forensic Science, U.C. Berkeley, 1977-1978.

FBI Shoeprint and Tiremark Course, 1984

FBI Specialized Firearms Course, 1988

WORK EXPERIENCE

Criminalist, Institute of Forensic Sciences, Oakland, CA, 1975-1980.
Serology, Firearms, Trace Evidence, Crime Scenes

Forensic Scientist, Washington State Patrol Crime Laboratory, Seattle, 1980-1989.
Assigned to Trace Evidence Unit, 1980-1985
Assigned to Firearms/Tool Marks Unit, 1985-1989
Conducted crime scene examinations 1981-1989

Supervising Forensic Scientist, WSP Crime Laboratory, Seattle, 1989-1993.
Assigned to Biochemistry Unit, and also conducted crime scene exams

Supervising Forensic Scientist, WSP Crime Laboratory, Marysville, 1993-1996.
Firearms/Tool Mark casework and crime scenes

Laboratory Manager, WSP Crime Laboratory, Seattle, 1996-1998.

Laboratory Manager, San Diego Police Department Crime Lab, 1999- present.

PROFESSIONAL ORGANIZATIONS

American Academy of Forensic Sciences (member, 1981-present)

Northwest Association of Forensic Scientists (member, 1981- 1998)

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Chairman, NWAFS Technical Advancement Committee, 1983-1985

Association of Firearm and Toolmark Examiners (member, 1985-1990, 1996-1998)

Program Chairman, 1987 Seminar

California Association of Criminalists (member, 1974-1993, 1999-present)

Member, Training and Resources Committee, 1980-1983

Member, Ethics Committee, 2000-2002

Chair, Ethics Committee, 2002-2003

California Association of Crime Laboratory Directors (member, 1999-present)

President, 2003-2004

American Society of Crime Lab Directors (member, 1997-present)

American Society of Crime Lab Directors/ Laboratory Accreditation Board (Delegate, 1997-present; Inspector, 1997-2006, Board member, 2006 - present).

COURT EXPERIENCE

Biochemistry, trace evidence (hairs, fibers, paint, glass), firearms, tool marks, shoeprints, tire marks, crime scene reconstruction, blood pattern interpretation

Washington, California, Nevada, New Mexico, Colorado, Missouri, Idaho, Florida, and Alaska. Municipal, Superior and Federal Courts.

AWARDS

Berkeley Police Dept. Outstanding Service Award, 1980.

TEACHING

"Forensic Investigation," University of Washington, 1996 - 1997

"Forensics and Crime Scene Investigation," ITT Technical Institute, 2005-2006

Various in-house courses, WSP:

Bloodstain Pattern Interpretation

Firearms Trajectories

Detectives In-Service

Homicide Investigation

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PAPERS PRESENTED AT PROFESSIONAL SEMINARS

“The Chemistry of Gm Antigens,” CAC

“Theoretical and Practical Considerations on the Individuality of Blood”, AAFS

“Serological Racial Identification in Cases of Mutilation,” NWAFS

Professional Papers Presented (continued)

“Considerations on the Forensic Examination of Glass”, NWAFS

“KTW Metal-Piercing Ammunition,” NWAFS

“Polyurethane-Soled Shoe Impressions,” AAFS

“Firearms Evidence in the Wah Mee Club Massacre,” AFTE

“Extracting Denatured Bloodstains,” NWAFS

PUBLICATIONS

Discussion of “The Individuality of Human Footprints”, Journal of Forensic Sciences, 25 (2).

“Defects in Polyurethane-Soled Athletic Shoes – Their Importance to the Shoeprint Examiner,” Jay and Grubb, Journal of the Forensic Science Society, 1985 (25), 233-238.

Appendix B

NIJ FY07 Solving Cold Cases With DNA
San Diego Police Department
Grant Application No2007-NIJ-1601
(SL No. 000789)

Curriculum Vitae - Richard H. Walton, Ed.D

EDUCATION

2005 **Ed.D** University of San Francisco
San Francisco, CA
Organization and Leadership

Named Outstanding Doctoral Student and Student Speaker

Dissertation: *Identification of Solvability Factors In Twenty-First Century Cold Case Homicide Investigation.*

1978 **M.A.** University of San Francisco
San Francisco, CA
Education/Public Service
Thesis: *Comparative Analysis of Specific Beat and Variable Beat Responsibility*

1969 **B.S.** Humboldt State College
Arcata, CA
Natural Resource Conservation

PROFILE

Experienced criminal investigator and criminal justice instructor with over thirty years of service in law enforcement and investigation of major crimes. Unique social-legal and academic achievement. Author of first doctoral level dissertation and comprehensive textbook to address “cold case” homicides.

PROFESSIONAL EXPERIENCE

5/2005 – Present	Author and Consultant/Instructor
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8/2001 – 5/2005 **Doctoral Student**
University of San Francisco
San Francisco, CA

Curriculum Vitae -Richard H. Walton, Ed.D**11/01/87 – 01/04/02****District Attorney Investigator**

Humboldt County District Attorney's Office
Eureka, CA

- 1988-1998 Vice-President and Board of Directors
Humboldt County Fire-Arson Investigations Unit
- 1988-1997 District Attorney Representative: California
Attorney General Consumer Protection Information Network

4/13/71 – 11/01/87**Deputy Sheriff**

Humboldt County Sheriff's Department
Eureka, CA

1968 – 1971**Reserve Police Officer**

Arcata Police Department
City Hall, Arcata, CA

TEACHING, PROFESSIONAL PAPERS AND PRESENTATIONS

I have successfully taught at the community college and university level as well as teaching adult learners in advanced forensics and law enforcement professional programs and venues.

1979 - 1982 Instructor, Public Safety Division
College of the Redwoods, Eureka, CA

- Criminal Justice program courses taught include
 - Introduction to Criminal Justice
 - Criminology
 - Legal Systems
- 1985-1995 Redwoods Police Academy (Selected Subjects/Intermittent)

1989-1997 Instructor (As Needed)
Office of State Fire Marshall
Arson & Bomb Unit

1997-2000 Graduate Studies Instructor (Selected Subjects)
University of New Haven/University of California, Davis.
Graduate level forensic science program

1998-1999 Founding Member/Instructor
Cold Case Homicide Training Program
California Department of Justice, Sacramento, CA

- 1989 "The Coyote Flat Murders of 1925: Final Chapter." Unpublished. Presented at American Academy of Forensic Sciences Annual Meeting, Last Word Society, Las Vegas, Nevada, February 1989.
- 1989 "Historical Forensics and Unsolved Murders." Unpublished. California Association of Criminalists. Presented at Sacramento, California, May 18, 1989.
- 1991 "Antitrust Considerations in Gasoline Price Fixing and Market Allocation." Unpublished. California District Attorney's Association, at the Economic Crimes Prosecution Seminar, Lake Arrowhead, California.
- 1992 "The Coyote Flat Murders of 1925: Final Chapter." Unpublished. Presented at the FBI National Academy, October 1992, Quantico, Virginia.
- 1995 "Methods of Re-investigation In Unsolved Homicide Cases." Unpublished. Presented at the FBI National Academy, February 1995.
- 1997 "An Innocence Pardon: The Coyote Flat Murders of 1925." Unpublished. Presented at the American Academy of Forensic Sciences Annual Meeting, February 1997, New York, New York.
- 1998 Poster Presentation at the 50th Anniversary of the American Academy of Forensic Sciences, February 1998, San Francisco, California.
- 1999 "Cold Case Investigations." Unpublished. Presented at the California Department of Justice, Advanced Training Center, February 21-26, 1999, San Diego, California.
- 1999 "Cold Case Investigations." Unpublished. California Department of Justice, Advanced Training Center, presented May 16-21. Sacramento, California.
- 1999 Poster presentation "An Innocence Pardon: The Coyote Flat Murders of 1925." International Association of Forensic Sciences, Los Angeles, California.
- 2001 "The Coyote Flat Murders of 1925: An Innocence Pardon" Unpublished. Presented November 15 at the Vidocq Society, Philadelphia, PA.
- 2002 "False Personation and Substitution of Laboratory Blood Samples Challenge Genetic Testing and Child Support Enforcement." Unpublished. Presented at the American Academy of Forensic Sciences, February 19, 2002, Atlanta, Georgia.
- 2003 "A Cold Case Homicide: The Coyote Flat Murders of 1925" Unpublished. Presented at the General Section Meeting, American Academy of Forensic Sciences, February 19, 2003, at Chicago, Illinois.

- 2006 "Identification of Solvability Factors in Twenty-First Century Cold Case Homicide Investigation." Unpublished. Presented at the American Academy of Forensic Sciences, February 23, 2006 at Seattle, Washington.
- 2006 "Practical Cold Case Homicide Investigation." 8-hour seminar, Pennsylvania State Homicide Investigators Association. April 26, 2006, State College, PA.
- 2006 "Death Investigation." Youth Leadership presentation for Lead-America. June 22, 2006, California State University, San Diego. San Diego, California.
- 2006 "Ethics in Forensics." Youth Leadership presentation for Lead-America. June 22, 2006, California State University, San Diego. San Diego, California.
- 2007 "The Saga of Willie Bryant's Winchester." American Academy of Forensic Sciences. February 22, 2007. San Antonio, Texas.
- 2007 "Technology in Cold Case Investigation." National Institute of Justice, National Law Enforcement and Corrections Technology Center. March 26, 2007, Coronado, California.

PROFESSIONAL CREDENTIALS

- 1972-1977 California Commission on Peace Officer Standards and Training
Basic Certificate (1972)
Intermediate Certificate (1973)
Middle Management (1973)
Advanced Certificate (1977)
Semi-Automatic Pistol Instructor

SPECIALIZED TRAINING

Extensive training in the following subjects by FBI National Academy, California Department of Justice, Northern California Criminal Justice Training System, California District Attorney's Association, Naval Criminal Investigative Service and American Academy of Forensic Sciences:

- Homicide/Violent Crime/Officer-Involved Incidents
- Cold Case Homicide Investigation
- Criminal Investigative Analysis
- Economic/White Collar Crime
- Hostage/barricaded Subject Negotiation
- Sexual Crimes/Exploitation of Children
- Elder Abuse
- Family/Child Support and Victim Assistance

OTHER SKILLS

Experienced with personal computers, including word processing, PowerPoint®, and data base programs.

PROFESSIONAL ASSOCIATIONS and MEMBERSHIP

American Academy of Forensic Sciences (Fellow)
Vidocq Society
American Society of Criminology
Homicide Research Working Group

COMMENDATIONS AND AWARDS

2005	Certificate of Recognition (University of San Francisco)
2005	Outstanding Doctoral Student
2005	Student Speaker
1997	Commendation from District Attorney Victim-Witness Unit
1996	Certificate of Recognition by California District Attorney Investigator's Association for Outstanding Performance (Runner-up Investigator of the Year)
1996	California Attorney General's Award for Meritorious Service
1992	Letter of Commendation for exemplary performance by District Attorney
1991	Letter of Commendation from FBI National Academy for Outstanding Presentation and investigative accomplishment
	Letter of Commendation by California District Attorney's Association
1972-1998	Others in file

PROGRAM DEVELOPMENT

- Participated in design and implementation of California Department of Justice, Advanced Training Center, program for training law enforcement in cold case homicide investigation techniques
- Coordinated county-wide law enforcement consumer protection program
- Coordinated/designed child support enforcement program to detect and identify criminal personators
- Facilitated law enforcement/senior citizen fraud identification and elder abuse prevention program
- Coordinated founding and development of reserve deputy sheriff law enforcement organization
- Coordinated student/law enforcement educational program

ADMINISTRATIVE/MANAGEMENT

- Trained criminal investigators at local, state and federal level in criminal investigation procedures and supervised major felony investigations for law enforcement agencies
- Trained fire investigators in law enforcement methods and techniques
- Trained law enforcement officers in patrol procedures, major violent crime investigation and property crime investigations
- Conducted wage and benefit negotiations for law enforcement officer's employee organization
- Conducted budget and fiscal management for detention facility
- Facilitated communication and human relations for employee/employer relationships

SPECIAL SKILLS AND ABILITIES

- Published textbook author
- Accomplished academic research and writing skills
- Published journal author
- Demonstrated oral communication skills
- Certified California peace officer (Retired)
- Unique expertise and accomplishment in wrongful convictions and pardon's arena
- Specialized knowledge of cold case homicide investigation methods and techniques
- Ability to teach criminal justice and leadership subjects from pragmatic and academic perspective
- Broad network of academic and criminal justice practitioner associates Broad general knowledge of forensic sciences as applicable to criminal and civil investigations
- Extensive training and experience in major felony investigations, including criminal investigative analysis, elder abuse, fraud, economic-white collar crime, child sexual abuse and environmental crimes
- Motivate others toward effective planning and development of law enforcement career and educational goals
- Professional instruction and computer presentation

SIGNIFICANT PROFESSIONAL AND ACADEMIC CONTRIBUTIONS

I have conducted pioneering academic research into the social-criminological environment commonly perceived as "cold case" homicide investigation. These activities have yielded pragmatic and academic results, which potentially offer much to the criminal justice system and the elevation of social justice.

Pragmatic Application:

In the fall of 1983, I began (unofficially) researching events surrounding what in 1930 was considered by a leading national magazine to be one of America's most bizarre murder cases of the previous decade. The crimes involved a famous series of homicides and alleged rapes that

occurred in northern California during the mid-1920's. Before her death in 1981, one of the alleged rape victims admitted to close friends that her rape charges against Native American Jack Ryan were false. I felt this was morally wrong and that if proven correct, Ryan should have his name cleared. This decision and events occurred well in advance of the founding and spread of numerous national Innocence Projects and cold case squads, and was founded in my ethical constructs of social and systemic justice.

For over seven years, I traveled thousands of miles and conducted approximately 400 interviews. By a combination of scholarly research methodologies and tenacious police investigation, I located heretofore-unknown witnesses, long hidden evidence and exposed the truth. Thousands of hours were spent meticulously examining and reconstructing crime scenes, original and supplemental forensic examinations, testimony, and a sixty-five year series of events. I uncovered the identity of a homicide perpetrator, then still alive.

Based upon my private research, I proved that Jack Ryan spent over 40 years in prison and on parole for crimes he did not commit. My research was presented to officials and in January, 1990, the case was officially re-opened. In all probability to date, it was the nation's oldest active homicide investigation. In 1991, the California Board of Prison Terms voted to recommend to the governor that Ryan be granted a full and complete pardon on the grounds of innocence, posthumously. On April 15, 1996, California Governor Pete Wilson, granted Ryan a posthumous pardon on the grounds of innocence. By all known accounts, it is the first pardon of its kind in the nation's history.

This research identified and applied methods for reconstruction of cold case homicides and techniques for interviewing senior citizens, as well as identifying bases for inquiry into wrongful convictions. I have been consulted by law school innocence projects and government agencies and have presented on these subjects to numerous forensic, law enforcement and academic venues. These include American Academy of Forensic Sciences, FBI National Academy, California Criminalists Institute, Vidocq Society, California Department of Justice, Advanced Training Center, Pennsylvania State Homicide Investigator's Association and Florida State Homicide Investigator's Association.

Academic Application:

My accomplishment has served as research and resource material in the legal arena addressing wrongful convictions, and has been cited in the Indiana Law Journal (Fall, 1999), New York University School of Law (24 N.Y.U. Rev. L. & Soc. Change 43), and California Lawyer Magazine (May, 1996). In addition, this accomplishment will be included in the forthcoming "Encyclopedia of Wrongful Convictions" currently being prepared for publication by Northwestern University School of Law. The lessons learned in this research offer much to the criminal justice community and society, as well as to those who seek to identify and resolve wrongful convictions. These events inspired my decision, and efforts, to obtain my doctoral degree.

My doctoral dissertation (2005) conducted apparent first-time academic inquiry and study of the "cold case" homicide problem and identification of those factors which allow experienced homicide investigators to solve previously investigated yet unsolved "cold case" homicides. This

study incorporated embedded research inside a major law enforcement agency's cold case investigation unit (the first such instance allowed by this agency), with focus on the organizational culture of the body. This study identified those case and organizational factors that are perceived by experienced investigators as contributing significantly to allow the solution of cold case homicides. This study served as a framework for my textbook, "Cold Case Homicides: Practical Investigative Techniques."

PUBLICATIONS

"Cold Case Homicides: Practical Investigative Techniques." (CRC Press, 2006). First comprehensive textbook dedicated to practical cold case homicide investigation. This educational resource is intended for law enforcement professionals, forensic practitioners, law school students and others engaged in the education, investigation, and solution of cold case homicides; discusses in-depth forensic and other investigative approaches to the solution of these crimes as well as social cause and origin and police organizational factors in unsolved homicides. A review by the Police Executive Research Forum (April, 2007) reported that this book *"...is an excellence reference source with a place on the desk of every detective...destined to be a classic in investigative literature."*

"Evidence Issues In Cold Case Homicide Investigation." Evidence Technology Magazine. Manuscript Accepted for Publication. (May-June, 2007).

"Cold Case Homicides." Private Investigator Magazine. (December, 2006.)

"Organization and Leadership Considerations for Cold Case Squads" (Manuscript in progress).

"Why Cases Go Cold." Vidocq Society Journal. Summer, 2006. (Part I of 3).

"Solvability Factors In Cold Case Homicides." Vidocq Society Journal, Fall/Winter, 2006. (Part 2 of 3).

"Resources in Cold Case Investigation." Vidocq Society Journal, winter, 2007. (Part 3 of 3).

"The Vidocq Society: A Free Cold Case Resource." The *Police Chief* Magazine. (Manuscript Submitted).

"Identification of Solvability Factors in Twenty-First Century Cold Case Homicide Investigation." (Doctoral dissertation: unpublished).

"The Legacy of Edward Oscar Heinrich. *Bancroftiana*. N124. (Spring 2004). Berkeley. University of California.

"Working Together to Bring Children Home: A Close Call." Summer/Fall, 2001. *Our Missing Children* (newsletter). Royal Canadian Mounted Police. 23rd edition.

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"A Child Returned." Humboldt County Family Support Division Newsletter. March 19, 1999. Eureka, California.

"Indian Charlie's Winchester" *The Gun Report*. V32 N 2. (July, 1986).
Aledo, Ill. World Wide Gun Report Inc.

"A Winchester In Alaska" *The Gun Report*. V29 N10. (March, 1984).
Aledo, Ill. World Wide Gun Report Inc.

"T.M. Brown: Humboldt's First Sheriff." *Humboldt Historian*. Humboldt County Historical Society. V 36 N 2 (March-April 1988). Eureka, CA.

"The Fortuna Bank Robbery" *Humboldt Historian*. V37 N 3 Humboldt County Historical Society. (May-June 1986). Eureka, CA.

Appendix C

NIJ FY07 Solving Cold Cases With DNA

San Diego Police Department

Grant Application No2007-NIJ-1601

(SL No. 000789)

LIST OF KEY PERSONNEL FOR THE SAN DIEGO POLICE DEPARTMENT

Cold Case Homicide Team and tenure in law enforcement

San Diego Police Department

Sergeant Tony Johnson – 28 years

Detective Bob Donaldson – 27 years

Detective Lynn Rydalch – 21 years

Detective Laurie Agnew - 28 years

San Diego County District Attorney

Investigator Ron Thill – 32 years

(Retired SDPD homicide detective)

Federal Bureau of Investigation

Special Agent Allan Vitkosky – 17 years

Drug Enforcement Administration

Special Agent Andy Pappas – 15 years

Naval Criminal Investigative Service

Special Agent Kim Kelly – 17 years

000577

San Diego Police Department

Grant Application No2007-NIJ-1601

Budget Narrative

Salaries/Overtime:

Homicide Detective Overtime \$29,835 at \$55.25 per hour (time and a half, salary only) for 540 hours over the life of the grant.

Criminalist Overtime \$35,362 at \$65.30 per hour (time and a half, salary only) for 540 hours over the life of the grant.

Once cases are ready for scientific analysis, responsibility falls to the Forensic Biology Section. Funds are requested for 540 hours in Laboratory personnel overtime to increase the capacity to screen evidence from the unsolved homicides, and to increase the number of cases that undergo DNA testing. The Laboratory's past experience with overtime indicates that it can lead to significant expansion of DNA testing services, thus allowing cases to be analyzed that might otherwise never receive attention.

Equipment: \$190,400 for technologically advance equipment. The Lab will continue to deliver DNA testing and to generate CODIS entries, using the full resources of the DNA section to augment and assist the cold homicide team of detectives and scientists.

Item	Unit Cost	Cost
Model 3130 Applied Biosystem's Capillary Electrophoresis Instrument to increase its DNA testing capacity and to reduce analytical run times.	\$95,000	\$95,000

Model 7500 Applied Biosystem's Realtime PCR Instrument as an upgrade to the model 7000 to allow for the dual analysis of autosomal and male DNA.	\$42,000	\$42,000
Model CAS 1200 Corbett Robotic Instrument to allow for the automated setup of the Quantifiler PCR reaction used in real-time PCR.	\$34,000	\$34,000
Model 6500 Shear Tech Paginating Device for case notes organization.	\$2,400	\$2,400
Computers (4) for criminalists. Forensic Biology has constructed a computer network connected to computers on analysts' desks, as well all analytical instrumentation. Computer hardware and software upgrades will permit criminalists to record and maintain project data.	\$1,500	\$6,000
Miscellaneous Computer Accessories for Network Growth/Upgrades	Varied	4,000
Nikon Microscope to equip project staff.	\$7,000	\$7,000
Pipets Sets (4 sets of four pipets) to equip project staff.	\$1,125	\$4,500

Consultant: \$114,000 at \$38 per hour for 2,850 hours over the life of the grant. In order to obtain review by highly qualified personnel, the San Diego Police Department will contract the services of a consultant, Richard Walton, Ed.D.,¹ a retired investigator from the Humboldt County District Attorney's Office who recently wrote a doctoral dissertation on the

¹ Consultant selection is contingent on compliance with legal requirements for sole-source funding and/or open bidding. SDPD will comply with all relevant laws in this respect. However, at the time of this writing, Dr. Walton is our primary candidate for this position.

identification of solvability factors in Cold Case homicides, and authored the first comprehensive textbook on identification and investigation of Cold Case Homicides. The consultant, with the technical assistance of Investigative Specialists, will review previously identified unsolved homicide cases, and in conjunction with criminalists, will 1) physically examine the evidence for the suitability of scientific testing; 2) submit items of evidence for analysis; and 3) review results with the Laboratory's scientists. The aim is to significantly increase the number of cold cases available to the Laboratory for scientific testing. Pending SDPD background review, the consultant will have constant access to the DNA criminalist staff for consultation concerning evidence reviewed in the cases. SDPD's Forensic Science Section is co-located with the SDPD that supports the team approach.
